

Legal Protection of Notaries Who Are Suspected (Study of Decision N0.17/PID. PRA/2022/PN. Mdn)

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Abstract: Legal protection for notaries who are indicated criminal acts in connection with the authentic deed they make. Public prosecutors and judges generally apply certain articles in the Criminal Code (KUHP) to drag notaries into criminal cases because Law Number 2 of 2014 concerning Notary Positions (UUJN) does not contain concepts and systems at all Notary criminal liability. The notary office is a public office because notaries are appointed and dismissed by the government. Notaries perform state duties and the deed they make, namely minuta (original deed), is a state document. In Indonesia, a notary is referred to as a General Officer because he is numbered and dismissed by the general power (government) and is given the authority and obligation to serve the public in certain matters, and therefore he participates in exercising the authority of the government. conclusion that legal protection of Notaries is dalam carrying out the duties of his office as a General Officer can be seen in several instruments that reflect notary privileges, including the right of denial, the obligation of denial and the right of exclusivity when summoned for questioning information by investigators, public prosecutors or judges, which must be with the approval of the Regional Notary Honor Council.

Keywords: Legal protection, Notary, Criminal act, Authentic deed, Legal consequences

1. Introduction

Notaries as public officials who carry out their profession in providing legal services to the public, need to get protection and guarantees in order to achieve legal certainty. The Republic of Indonesia is a state of law based on Pancasila and Constitution 1945 which guarantees certainty, order, and legal protection for every citizen. The provisions regarding the Notary Position are regulated in Number 30 of 2004 concerning Notary Position which was later amended by Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Position (hereinafter referred to as UUJN).¹ Article 1 point (1) of the Law on Amendments to the UUJN states that Notary Public is a public official who is authorized to make authentic deeds and has other authorities as referred to in this Law or under other laws.

The Notary Office is a position of trust, so the nobility and dignity of the Notary Office must be maintained, both when carrying out the duties of his office and the behavior of Notary life as a human being directly or indirectly directly affects the dignity of the office of Notary. The position of Notary as a general official, in the sense that the authority vested in the Notary has never been given to other

¹ Widyatmoko, "Analisis Kritis Membedah Ketentuan Undang-Undang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 (UUJN)," in *Seminar Nasional* (Surakarta: Program Magister Kenotariatan Fakultas Hukum Universitas Sebelas Maret, 2014).

officials, as long as the authority is not the authority of other officials in making authentic deeds and other authorities, then the authority becomes the authority of the Notary.²

Notary office is a public office because notaries are appointed and dismissed by the government. Notaries perform state duties and the deed they make, namely minuta (original deed), is a state document. In Indonesia, a notary is referred to as a General Officer because he is appointed and dismissed by the general power (government) and is given the authority and obligation to serve the public in certain matters, and therefore he participates in exercising government authority.³ Notaries as General Officers are authorized by the state to declare the occurrence of legal relations between the parties in a deed that records directly the agreement clauses of the contracting parties. Promises that have been stated in the deed.

Every time he performs the duties of his position in making a deed, a Notary Public has responsibility for the deed he makes as a realization of the wishes of the parties in the form of an authentic deed. The responsibility of a notary is closely related to the duties and authority and morality both as a person and as a public official. Notaries may only make mistakes or errors in deed making. If this is proven, the deed loses its authenticity and is null and void or can be cancelled. In this case, if it causes harm to the parties interested in the deed, the Notary Public can be criminally prosecuted or sued civilly. Sanctions imposed criminally are imposing criminal penalties and civil sanctions are providing compensation to these interested parties.⁴

2. Method

The type of research used in research for writing this thesis is using a normative type of research. This research uses legal research, namely normative legal research or dogmatic *law* research using doctrinal-normological methods that depart from rules as teachings that rule behavior. This normative legal research includes research on legal principles, research on legal systematics, research on vertical and horizontal synchronization stages, comparative law and legal history. The source of legal materials used in this writing is by conducting a study of legal materials consisting of primary legal materials, secondary legal materials and tertiary legal materials. Source The laws used are obtained from interviews and applicable laws and regulations, literature books, journals and articles related to the problem studied. The entire data that has been identified and collected, is analyzed with interactive model analysis techniques.⁵

² Habib Adjie, *Hukum Notaris Indonesia: Tafsir Tematik Terhadap UU No. 30 Tahun 2004 Tentang Jabatan Notaris* (Refika Aditama, 2008).

³ , Heriyanti, "Perlindungan Hukum Terhadap Notaris Yang Terindikasi Tindak Pidana Pembuatan Akta Otentik," *Yustisia Jurnal Hukum* 95, no. 2 (2016): 326–39, <https://doi.org/10.20961/yustisia.v95i0.2810>.

⁴ Tan Thong Kie, "Studi Notariat Dan Serba-Serbi Praktek Notaris," *Jakarta: Ichtiar Baru Van Hoeve*, 2007.

⁵ Sri Mamudji et al., "Metode Penelitian Dan Penulisan Hukum," *Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia*, 2005.

3. Legal Protection of Notaries in Judicial Proceedings According to UUJN and Obstacles in Implementation

Legal protection for Notaries in carrying out their duties as General Officials has been regulated in Law Number 30 of 2004 concerning Notary Positions (UUJN) and Law No. 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions. Specifically related to the preparation of Deeds carried out by Notaries, Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions provides legal protection to Notaries as contained in the provisions of Article 4 paragraph (2) of Law Number 2 of the Year 2014 on Notary Oaths, one of which reads: "that I will keep secret the contents of the deed and the information obtained in the performance of my office." This provision is further regulated in Article 16 paragraph (1) letter f of Law No. 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions, which reads: "In carrying out their position, Notaries are obligated. keep confidential everything about the deed he made and all information obtained for the making of the deed in accordance with the oath / promise of office, unless the law specifies another." However, this limitation of "Other Laws Determines" is not found. Legal Protection of Notaries in carrying out their duties as General Officials as regulated in Undang-Law Number 30 of 2004 concerning Notary Positions and Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Position which is specifically related to the making of Deeds is regulated in the provisions of Article 4 paragraph (2) and Article 16 paragraph (1) letter f of Law No.2 of 2014 concerning the obligation of Notaries to maintain confidentiality over The deed he made was to protect the interests of all parties related to the deed he made.

This is stated in the Explanation of Article 16 paragraph (1) letter f of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions as follows: "The obligation to keep confidential everything related to deeds and other papers is to protect the interests of all the party related to the deed." Based on the provisions of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions above, there are at least three elements that receive legal protection. First, evidence produced by a Notary Public regarding a legal act or legal event made due to laws and regulations requires that it must be made by or before a Notary Public or regarding a legal act or legal event made because members of the public ask Notaries to make evidence that meets the highest or lowest quality standards in accordance with the norms or methods stated in Law Number 2 of 2014.

The evidence must receive legal protection both in court and outside the court in accordance with its quality standards. Second, members of the public who have evidence produced by a Notary both required by applicable laws and regulations and requested by members of the public. From the beginning, community members must know which evidence meets the highest quality standards and which evidence meets the lowest quality standards in accordance with the norms or methods stated in Law Number 2 of 2014 so that members of the community Since the beginning before coming to the office, Notaries have

known the quality of the products they will get. Members of the public who possess evidence with the highest quality standards or the lowest quality standards must obtain legal protection both in court and outside the court in accordance with their quality standards.

Third, Notaries as institutions or public officials who produce evidence for members of the public deserve protection from the possibility of people holding positions as Notaries who carry out their duties and authorities deviating from Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Notary Office which results in the evidence produced does not meet the highest quality standards desired by members of the public, except from the beginning the members of the community concerned do want evidence of low quality. Persons holding the position of Notary Public who produce evidence for members of the public shall obtain legal protection both in court and outside the court in carrying out their duties and authorities.

Therefore, in accordance with the provisions of Article 16 paragraph (1) point b of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions, Notaries are required to make a deed in the form of a Minuta Deed and save it as part of the Notary Protocol. This is intended to maintain the authenticity of a deed. So that if there is a forgery or misuse of grosse, the copy, or quotation can be immediately known easily by matching it with the original. Notaries can only give, show, or notify the contents of the Deed, Grosse Deed, Copy of Deed or Quotation of Deed to persons directly interested in the deed, heirs, or persons who acquire rights, unless otherwise stipulated by laws and regulations.

This is in accordance with the provisions of Article 54 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions as follows: "In giving, showing, or notifying the contents of the deed, the Notary may give, show, or notify to: (1) persons directly interested in the deed; (2) heirs; or (3) the person acquiring the right. However, the definition of "person who acquires rights" is not explained or elaborated in Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions, so that it can give rise to multiinterpretation. One of them is when someone who feels his rights are harmed due to an alleged False Deed or False Information in the deed, then that person makes a report/complaint to the Police. With the making of a report/complaint to the Police, the Police investigator is the "person who obtains the right" to see and know the contents of the Deed, Grosse Deed, Copy of Deed or Deed Quotation.

Whether the deed is fake or whether there is false information in the deed, it will be immediately known easily by matching it with the original. However, the Police investigator as a "person who acquires the right" to see and know the contents of the Deed, Grosse Deed, Copy of Deed or Quotation of Deed cannot easily see and know the contents of the Deed, Grosse Deed, Copy of Deed or Quotation of Deed because the Investigator must also comply and comply with the provisions of Article 66 paragraph (1) of the Law No. 2 of 2014, especially before the allegation of placing false information into an authentic deed or making a false

deed as referred to in article 266 or article 264 of the Indonesian Civil Code which is known to have occurred in January 2016 at the Office Notary Herniati, SH. Eagle Street No. 6-A Perumnas Mandala Percut Sei Tuan.

The Notary Position Law is a legal product intended to provide legal certainty and protection for Notaries in carrying out their profession as authentic deed making officials. Therefore, the UUJN contains legal rules, one of which is a form of legal protection for Notaries. The forms of legal protection for Notaries, especially in criminal justice processes according to UUJN are:

- a. The provisions governing the obligation to disobey and the right to disobey Notaries are listed in: Article 4 paragraph (2), Article 16 paragraph (1) letter f and Porigin 54. Habib Ajie called the right of denial as the obligation of *denial* (*verschoningsplicht*) Notary. Habib Ajie explained that one part of the Notary oath / promise is that the Notary will keep the contents of the deed and information obtained in the execution of the Notary office in accordance with Article 4 paragraph (2) and Article 16 paragraph (1) letter f of the UUJN. Notaries are obliged to keep everything about the deed confidential made by him and all information obtained for the deed in accordance with the oath / promise of office, unless the law provides otherwise.⁶

In the case of giving testimony, a notary cannot disclose the deed he made either in part or in whole to another party. This is in accordance with Article 54 of the UUJN because as a confidant, the notary is obliged to keep confidential all things notified to him in his position as a notary, even if there are some that are not listed in the deed, and have been considered to represent themselves notaries in a trial so that the deed made by or before a notary is an evidence that has perfect evidentiary power. (Pricilia Yuliana Kambey, 2013: vol.1, no. 2).

- b. Attach fingerprints to the minuta of the deed as stipulated in Article 16 paragraph (1) point c which states that in carrying out his position, the Notary Public must attach letters and documents and fingerprints of the face to the Minuta Deed. It is the duty of the Notary Supervisory Board to supervise when checking the completeness of supporting documents for making a deed minuta. The fingerprint function is here to further strengthen the evidence. Thus, his arrangement of these fingerprints is to corroborate the problem of proof. It is expected that attaching fingerprints will provide more legal protection for Notaries.
- c. Approval of the Notary Honorary Panel Provisions of Article 66 paragraph UUJAmends stated that for the sake of the process judiciary, investigator, public prosecutor or judge with the approval of the Notary Honorary Panel. The article clearly specifies the institution that gives approval for the summoning and/or taking of Minuta Deed and/or letters attached to the Minuta Deed or Notary Protocol in Notary depository. However, Article 66A paragraph 3 states that the Notary Honorary Council (MKN) will be regulated by a Ministerial Regulation but until now the regulation does not exist. Based

⁶ Adjie, *Hukum Notaris Indonesia: Tafsir Tematik Terhadap UU No. 30 Tahun 2004 Tentang Jabatan Notaris*.

on the provisions of Article 66A, in the process of giving approval, MKN must conduct an examination first. The examination is carried out in accordance with the provisions in Article 70 letter a of the Amendment Law, namely by holding a hearing in advance to examine any alleged violations of the Notary Office implementation hearing against a Notary. After the examination, the final result of the MKN examination is stated in the form of a Decree, which contains approval or rejection of the request of the Investigator, Public Prosecutor or Judge.

- d. Protection of Notaries as members of the Indonesian Notary Association
Ketentuan regarding notary organizations is regulated in Article 82 paragraph (2) of the UUJN Amendments which states the Notary Organization Forum as referred to in paragraph (1) is Indonesian Notary Association. The provision of legal protection to members is placed in the context of commitment to the value of togetherness among fellow professionals and commitment to the dignity of Notaries as General Officials. As the core purpose of establishing the association, INI provides guarantees of protection for Notaries related to professors and their positions as public officials. Supervision Role of Notary Professional Practice Law enforcement must be carried out with a system of supervision of legal practices so that there is no misappropriation by legal practitioners. The revocation of the phrase with approval in Article 66 of the UUJN can be one of the incentives for the Notary organization (Ikatan Notaris Indonesia / INI) and the Notary Supervisory Board to conduct more intensive supervision of Notaries in the better shelter for the practice of the Notary profession so that Notaries are less likely to be affected by legal problems if they have carried out their duties and obligations in accordance with applicable rules and laws. Supervision of Notaries based on Article 67 paragraph (5) Amendments to UUJN which includes: supervision of Notary behavior and implementation of Notary positions. Supervision of Notary behavior in the UUJN Amendment can be seen in Article 9 paragraph (1) point c and Article 12 letter c, namely Notary behavior which can be categorized as reprehensible acts and acts that degrade the honor and dignity of the Notary Office, such as gambling, drunkenness, abusing drugs and so on. Legal protection must be given to everyone, including a Notary as part of the Indonesian nation. Legal protection of Notaries in the process of law enforcement in court can be carried out through the process, namely: the use of rights or obligations of Notary Disobedience or the summoning of Notaries by investigators, public prosecutors and the judge must be done by obtaining the consent nMKN. This is as stipulated in Article 66 paragraph (1) of UUJN. Another form of legal protection is in the form of surveillance, attaching fingerprints to minuta deed and legal protection of the parent Notary organization (INI).

So in this decision the judge adjudicated to grant the petitioner's pretrial application in part, stating the decree number: SP. Status/45/III/2022/Ditreskrim dated March 28, 2022 regarding the determination of the applicant's status as a suspect Moh. Zunuza SH. Mkn. Invalid

and has no binding legal force, rejecting the petitioner's application in addition to and the rest, charging the costs incurred in this case to the State.

4. Legal Effects of Notary Protection as a Public Officer

Legal effect is an effect caused by law, on an act committed by a legal subject. Legal effect is a result of actions taken, to obtain an effect expected by legal actors. The akibat in question is a result regulated by law, while the action taken is a legal action, namely an action in accordance with applicable law.⁷

From the explanation above, the legal effect of UUJN for the protection of notaries as public officials is in the form of a supervisory panel. This is due to the importance of the role of Notaries. The principle of the rule of law guarantees in public life as certainty, order, and legal protection mentioned above, so Notaries in the implementation of their duties and positions must always be supervised so as not to harm society. Notary supervision in Article 67 of UUJN is affirmed to be supervised by the Minister, in this case the Ministry of Law and Human Rights.

But in carrying out supervision, the Minister establishes a Notary Supervisory Council (MPN) in the regions called the Regional Supervisory Council (MPD), in the provinces called the Regional Supervisory Council (MPW), in the center called the Central Supervisory Council (MPP). Each MPN member consists of 9 (nine) people from: 3 people from government elements, 3 people from notary elements and 3 people from academic elements. MPN's role is to carry out supervision of Notaries, so that in carrying out their office duties they do not deviate from their authority and do not violate applicable laws and regulations.⁸

The function of MPN is so that all rights and authorities and obligations given to Notaries in carrying out the duties of their positions as provided by applicable laws and regulations, always carried out on a predetermined path, not only legal channels, but also on moral and ethical grounds in order to ensure legal protection and legal certainty for those who need it. No less important is the role of the community to supervise and always report the actions of Notaries who in carrying out their duties in carrying out the duties of their office are not in accordance with the applicable legal rules to the local Notary Supervisory Board. With a report such as this can eliminate the actions of Notaries who are not in accordance with the legal rules of the implementation of the duties of the Notary Office. So, Notaries in carrying out their work in addition to having to comply with laws and regulations Invitees must also obey professional ethics to avoid lawsuits and reprehensible acts.⁹

⁷ Raharjo Soeroso, *Pengantar Ilmu Hukum* (Sinar Grafika, 2020).

⁸ Karina Prasetyo Putri, "Tanggung Jawab Dan Perlindungan Hukum Bagi Notaris Purna Bakti Terhadap Akta Yang Pernah Dibuak (Analisis Pasal 65 Dan Pasal 66 Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris)" (Brawijaya University, 2016).

⁹ Eureika Kezia Sakudu and Wahyuni Safitri, "Peranan Majelis Pengawas Wilayah Notaris Dalam Melakukan Pengawasan Terhadap Pelaksanaan Jabatan Notaris Terkait Undang-Undang Nomor 2 Tahun 2014 Tentang Jabatan Notaris," *Yuriska : Jurnal Ilmiah Hukum* 9, no. 2 (November 22, 2017): 65–78, <https://doi.org/10.24903/yrs.v9i2.222>.

Therefore, the notary is brought into the realm of law, with many arguments alleged by law enforcement, one of which is lack of accuracy or mistakes made by the Notary, the existence of false documents and even false information from the facers has an impact on losses borne by Notaries as well, even becoming a loophole in criminal law for Notary, when problems and disputes arise. The imposition of criminal sanctions against Notaries can be carried out provided that they meet the formulation of violations regulated in the UUJN and the Code of Ethics for Notary Positions and must also meet the formulation of offenses contained in the Criminal Code.

If the Notary's action meets the formulation of a criminal act, but if it turns out to be based on the UUJN and according to the judgment of the Notary Supervisory Council is not an offense, then the Notary concerned cannot be sentenced to criminal penalties, because of the size for assessing a deed must be based on the UUJN and the Notary Office Code of Ethics. The occurrence of punishment against Notaries based on deeds made by or before Notaries as an output of the implementation of the duties of the office or authority of the Notary, without regard to the rules of law that related to the procedure for making deeds and only based on the Criminal Code, indicating that there has been a misunderstanding or interpretation of the position of Notaries and Notary Deeds as evidence in Civil Law. Criminal sanctions are the *ultimum remedium*, which is a last resort, if sanctions or efforts in other branches of law cannot be applied.

Everything related to Notary activities that cause criminal law problems must be approved by the Notary Supervisory Panel. For the smooth process of investigating or examining Notaries who are suspects and indicted, it is necessary for the police or prosecutor's office to consult first with the Notary Supervisory Panel. Before giving approval, the Notary Supervisory Panel will first conduct an examination of the Notary and at the same time the Notary Supervisory Panel will also ask for information from investigators or public prosecutors / prosecutors, why to call the Notary as a witness/tersfigure. The results of the examination of the Notary Supervisory Panel will determine whether or not the Notary Public is summoned by the police/investigator or prosecutor/public prosecutor for examination.

Thus, it is expected that in the end, the process of summoning, arresting and detaining Notaries by Police investigators must heed the regulations applicable to the procedures and procedures mentioned above, including by complying with KUHAP (Code of Criminal Procedure), Memorandum of Understanding between Police investigators and Notaries and also Article 66 paragraph (1) of UUJN Number 2 of 2014 concerning the position of Notary Public which requires Police investigators to obtain prior permission from the Notary Regional Supervisory Board to summon Notaries, so that the process Summoning, arrest and detention of Notaries can run in accordance with applicable laws and regulations and are not arbitrary.

Meanwhile, the form of self-defense from a Notary Public that is determined to be a violation of the law is to receive proportional protection when carrying out the duties of a Notary Public office, one of which is based on the provisions or

implementation mechanism of article 66 of the UUJN. Notary summons by investigators both in witness status and The suspect remains authorized to make a deed in accordance with the Notary Office Law (UUJN) deed if he is in the status of unsworn in, on leave, temporarily dismissed (suspended), fired and retired.¹⁰

Further provisions regarding the examination and imposition of sanctions in the first instance by the Honorary Council can be seen in Article 9 of the Notary Code of Ethics: 1. If there is a member who is suspected of committing violations against the Code of Ethics, whether the allegation comes from the knowledge of the Regional Honor Council itself or because of reports from the Regional Management or other parties to The Regional Honor Council, then no later than within 7 working days the Regional Honor Council must immediately take action by holding a Regional Honor Council session to discuss allegations against such violations. 2. If according to the results of the Regional Honor Council session as stated in paragraph (1), it turns out that there is a strong suspicion of violation of the Code of Ethics, then within 7 working days after the date of the session, the Regional Honor Board is obliged to summon the member who is suspected of violating it by registered letter or by expedition, to be heard and given the opportunity to defend themselves. 3. The Regional Honor Board will only determine its decision on whether or not the violation of the code of ethics is proven and the imposition of sanctions on violators (if proven), after hearing information and self-defense of the member concerned in a session of the Regional Honor Council convened for that purpose, with exceptions as provided for in paragraphs (6) and (7) of this article. 4. The determination of the decision in paragraph (3) above may be made by the Regional Honor Council, either in a session it is established in any other session, to the extent that the determination of the decision to violate or not violate it, shall be made no later than within 15 working days, after the date of the hearing of the Regional Honor Council at which the Notary Public has heard his testimony and/or defense. 5. If in the decision session of the Regional Honor Council it is stated that there is a violation of the Code of Ethics, then the hearing simultaneously determines sanctions against the violator. 6. In the event that the summoned member does not come or does not give any news within 7 working days after being summoned, the Regional Honor Council will repeat the call 2 times with a distance 7 working days, you for each call. 7. Within 7 working days, after the third summons is found to still not come or not to give news for any reason, the Regional Honor Council will still convene to discuss violations allegedly committed by the summoned member and determine the decision, then *mutatis mutandis* applies the provisions in paragraph (5) and paragraph (6) above and paragraph (9). 8. When the sanction of schorsing or onzetting from membership of the Association is decided, the Regional Honor Council must first consult with its Regional Administrator. 9. The decision of the Regional Honor Council session shall be sent by the Regional Honor Board to the violating member by registered letter or by expedition and copies thereof to the Branch Management, Regional Administrator, Central Board and Central Honor Council, all it is within 7 working

¹⁰ Anandiaz Raditya Priandhana, "Perlindungan Hukum Terhadap Notaris Dalam Proses Penyidikan (Studi Putusan Mahkamah Konstitusi Nomor 16/PUU-XVIII/2020)," *Indonesian Notary* 3, no. 1 (2021): 12.

days, after the verdict is handed down by the Regional Honor Council session. 10. If at the Regional management level a Regional Honor Council has not been established, the Regional Honor Council is obliged and has the authority to carry out the obligations and authorities of the Regional Honor Council in the context of enforcing the Code of Ethics or assigning the duties and authorities of the Council Regional Honor to the authority of the nearest Regional Honor Council and the place of residence or residence of members who violate the Code of Ethics.

This also applies if the Regional Honor Council is unable to solve or decide the problems it faces. So that the party aggrieved by a notary, the party simply reports to the Regional Supervisory Board or the Regional Honor Board if the loss arises due to a violation in the notary's position or a violation of the code of ethics. Or, reported to the police if the notary's actions are out of his position as described earlier.

5. Conclusion

Legal protection for Notaries in carrying out the duties of their office as General Officers can be seen in several instruments that reflect notary privileges, including the right of denial, the obligation of denial and the right of exclusivity when summoned for questioning information by investigators, public prosecutors or judges, which must be with the approval of the Regional Notary Honor Council as stipulated in Article 66 paragraph (1) of Law Number 2 of 2014 which has now been amended to Article 66 paragraph (1) of the Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions, which was passed and promulgated in Jakarta on January 15, 2014. With the right of denial and the obligation of disobedience, the Notary Public can still maintain the confidentiality of everything about the deed he made and all information obtained for the making of the deed. However, the instruments of denial rights, denial obligations and exclusive rights are not strong enough to be used as an umbrella for legal protection for notaries to anticipate criminalization and punishment by law enforcers. The Regional Honor Council is unable to solve or decide the problems it faces. So that the party aggrieved by a notary, the party simply reports to the Regional Supervisory Board or the Regional Honor Board if the loss arises due to a violation in the notary's position or a violation of the code of ethics. Or, reported to the police if the notary's actions are out of his position as described earlier

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